

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION

PATENT ARMORY INC.,

Plaintiff,

v.

MERK KGAA,

Defendant.

CASE NO. 2:24-CV-00419-JRG

DECLARATION OF SONJA HILGE IN SUPPORT OF  
DEFENDANT MERCK KGAA'S MOTION TO DISMISS  
UNDER FED. R. CIV. P. 12(b)(2) AND 12(b)(5)

I, Sonja Hilge, declare as follows:

1. My name is Sonja Hilge. I am a citizen and resident of Germany. I am over the age of eighteen and am under no legal disability that would prevent me from testifying to the facts contained within this declaration in a court of law if required to do so. I have personal knowledge of the facts stated in this declaration, or I have determined them to be true and correct based on my good-faith investigation and information I have obtained.

2. I am the General Counsel Electronics for Merck KGaA (“Merck”). As General Counsel Electronics, my responsibilities include overseeing the legal aspects of the company’s electronics business. I am part of the Electronics Leadership Committee. Accordingly, I am knowledgeable about Merck’s business operations and subjects set forth in this declaration because of my duties and responsibilities.

3. Merck is a German science and technology company. Merck operates through three primary business sections: Life Science, Healthcare, and Electronics. Merck is organized and incorporated under the laws of Germany with its headquarters in Darmstadt, Germany.

4. On August 6, 2024, Merck in Germany received a package containing a letter from the Texas Secretary of State stating: “Pursuant to the Laws of Texas, we forward herewith by REGISTERED MAIL, return receipt requested, a copy of the process received by the Secretary of State of the State of Texas on June 17, 2024.” The package also included what appears to be a copy of the complaint, summons, and Exhibit 1 to the complaint. Merck, however, does not accept service of these documents as service of process because it does not comply with service under the Hague Convention on the Service of Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters (“Hague Service Convention”) and the laws of Germany. Germany is a signatory to the Hague Service Convention and has objected to

any alternative service such as through postal channels. Service by mail to a German company, such as Merck, is thus in contravention of the Hague Service Convention.

5. Merck is not registered with the Texas Secretary of State to conduct business in the State of Texas.

6. Merck does not maintain a mailing address or bank account in Texas. Nor does Merck pay taxes in Texas.

7. Merck does not own, lease, or rent real property in Texas.

8. Merck does not have any employees, officers, directors, or agents operating in Texas, nor does Merck maintain an agent for service of process in Texas.

9. Merck does not tailor any marketing or advertising, including its website, to Texas or to Texas residents.

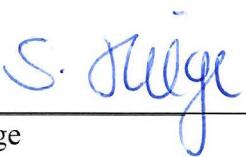
10. Merck does not ship products into Texas or have any customers in Texas.

11. Attached hereto as Exhibit A is a true and correct print-out of the website <https://assets.hcch.net/docs/494216ab-d7f6-4f7b-9627-93270f8a64da.pdf>.

12. Attached hereto as Exhibit B is a true and correct print-out of the website <https://www.hcch.net/en/instruments/conventions/status-table/notifications/?csid=402&disp=resdn>.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on November 13, 2024, in Darmstadt, Germany.

  
Sonja Hilge